

Canada Industrial Relations Board

2007-2008 Estimates

Report on Plans and Priorities

Approved:

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SECTION I – OVERVIEW

1.1 Message from the Chairperson

I am pleased to present to Parliament and to Canadians the 2007-08 Report on Plans and Priorities for the Canada Industrial Relations Board (CIRB). This will be the last report under my governorship as my term ends as of December 2007. Since my appointment as the Chairperson of the CIRB in January 2004, it has been my commitment to ensure that the Board achieves its mandate of contributing to and promoting a harmonious industrial relations climate in the federally regulated sector as effectively and efficiently as possible. Specifically, my immediate goals were to ensure that our decisions were timely and consistent, as well as sound in both law and labour relations terms. Also, I wanted the CIRB to improve its relationship with the broad federally regulated industrial relations community that we serve.



I believe that I have met my commitments and that the Board has more than met its mandate. We have reviewed and modified the processing of a number of types of cases, which comprise a significant proportion of our workload, and have restructured the operations of our Case Management Secretariat to be more responsive to the needs of the adjudicative team. The effects of these measures have started to pay off, and will leave the Board in a good position to meet its operational challenges in the upcoming years.

With respect to decisions, it should be noted that only two applications (of a total of 146) for a judicial review of Board decisions before the Federal Court of Appeal have resulted in the decision being overturned in the last five years. This is a clear indication that our decisions have been sound from a legal perspective.

The Canadian industrial relations environment is currently in a period of relative stability, as the economy continues to show strength, and unemployment levels are at a thirty-year low. Strikes and lockouts were at their lowest level in over a decade and a half in 2006, and the average length of collective agreements has been rising. This relative stability is also reflected in the Board's own caseload, as the number of applications/complaints, particularly unfair labour practice complaints, has fallen considerably in 2006-07.

While the Board's main operational priorities for 2007-08 will be to monitor and make any appropriate adjustments to the measures recently put into place, it will also continue to look at various other means to improve the Board's efficiency in consultation with its Client Consultation Committee. The primary focus of these consultations will be the discussion of added measures that could be adopted to further expedite the disposition of matters and reduce the number of pending cases — a priority that has been identified by the client community in past consultations.

The challenge facing the Board in the short term will be to maintain its rate of case adjudication. A reduced adjudicative capacity, a situation that also affected the Board in 2004-05, resulted in the Board processing fewer matters in 2006-07 than in previous years. This situation is expected

to become critical in the next year, as the term of three of the remaining four Vice-Chairs will expire, as well as my own. Any delay in the appointment of new Board Members will seriously affect the CIRB's ability to fulfil its mandate.

I would like to take the occasion to recognize the contribution and commitment of my fellow Board Members and staff in making the CIRB a more efficient and effective organization. The Board has been fortunate to be assisted by highly qualified, experienced and hard working staff at all levels within the organization. I have also been most fortunate to be able to work with Vice-Chairs and Board Members, both full and part time, who were incredibly dedicated to achieving the Board's goals as well as accepting of my leadership. The culture of dispute resolution that has been developed should serve the Board well in meeting its upcoming challenges.

Warren R. Edmondson
Chairperson

1.2 Management Representation Statement

I submit for tabling in Parliament, the 2007-2008 Report on Plans and Priorities (RPP) for the Canada Industrial Relations Board.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2007-2008 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the TBS guidance;
- It is based on the department's strategic outcome(s) and Program Activity Architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat.

Warren R. Edmondson
Chairperson

1.3 Program Activity Architecture

Canada Industrial Relations Board – Program Activity Architecture (PAA)

Agency

Canada Industrial Relations
Board

**Strategic
Outcome**

Harmonious industrial relations climate in the federally regulated sector through the impartial, effective and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities

**Program
Activity**

Administration and interpretation of Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the *Canada Labour Code*

1.4 Summary Information

Raison d'être — *The mandate of the Canada Industrial Relations Board is to contribute to and promote a harmonious industrial relations climate in the federally regulated sector through the impartial, effective and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities. In achieving this strategic outcome, the Board provides effective industrial relations solutions for the Canadian labour relations community in a fair and timely manner.*

Financial Resources

| 2007-2008 | 2008-2009 | 2009-2010 |
|----------------|----------------|----------------|
| (\$ thousands) | (\$ thousands) | (\$ thousands) |
| 12,437 | 12,437 | 12,437 |

Human Resources

| 2007-2008 | 2008-2009 | 2009-2010 |
|-----------|-----------|-----------|
| FTEs | FTEs | FTEs |
| 110 | 110 | 110 |

1.5 Context and Background

The Canada Industrial Relations Board (CIRB) is an independent, representational, quasi-judicial tribunal responsible for the administration and application of the *Canada Labour Code* (the *Code*), Part I, Industrial Relations, and certain provisions of Part II, Occupational Health and Safety. It was established in January 1999, to replace the previous Canada Labour Relations Board (CLRB), through amendments to Part I of the *Code*.

The adjudicative team of the Board is currently composed of the Chairperson, four full-time and three part-time Vice-Chairpersons, and four full-time and four part-time Members — all of which are Governor in Council (GIC) appointments. It may be of interest to note that the *Code* requires that the Chairperson and Vice-Chairpersons must have experience and expertise in industrial relations, and that members are to be appointed by the Minister of Labour, after consultation with the organizations representative of employees or employers.

The CIRB has jurisdiction in all provinces and territories with respect to federal works, undertakings or businesses in the following sectors:

- Broadcasting
- Chartered banks
- Postal services
- Airports and air transportation
- Shipping and navigation
- Inter-provincial or international transportation by road, railway, ferry or pipeline
- Telecommunications
- Grain handling and uranium mining and processing
- Most public and private sector activities in the Yukon, Nunavut and the Northwest Territories
- Band Councils and some undertakings of the First Nations on reserves
- Certain Crown corporations (including, among others, Atomic Energy of Canada Limited)

This jurisdiction covers some 1,000,000 employees and their employers, and includes enterprises that have an enormous economic, social, and cultural impact on Canadians from coast to coast. The variety of activities conducted by the federally regulated sector, as well as its geographical spread and national significance, contribute to the uniqueness of the federal jurisdiction and the role of the CIRB, and pose particular challenges for the Board's work.

The Board has established a series of strategic objectives in support of its mandate, which include to:

- conduct all its processes in accordance with the standards of the *Code*;
- seek solutions to labour relations problems by determining the cause and nature of conflict and by applying the appropriate dispute resolution mechanism, including fact finding, mediation and adjudication;
- conduct its activities in a timely, fair and consistent manner;
- consult its clients on its performance and on the development of policies and practices;
- promote an understanding of its role, processes and jurisprudence through continuous client contact and a variety of information dissemination methods (Web-based and conventional publishing, Board presentations at various forums, 1-800 information request line, etc.);

- conduct its business and manage its resources in a manner that is fiscally sound, in accordance with the *Financial Administration Act* and the policies and directives of the central agencies of government; and
- ensure continuous interaction with those utilizing Board services through meaningful communication and complaint processes.

Program Priorities

| Activity/Initiative | Type |
|--|-------------|
| Accelerated reduction of the number of backlog cases (Chart 1) | Ongoing |
| Reduction of average case disposition time | Ongoing |
| Monitoring and fine-tuning of new certification application process and disposition | Ongoing |
| Monitoring and fine-tuning of new duty of fair representation complaint process and disposition | Ongoing |
| Review of reconsideration application process and disposition | New |
| Client consultations | Ongoing |

SECTION II – CIRB OPERATING ENVIRONMENT AND PLANS AND PRIORITIES (Analysis of Program Activities by Strategic Outcome)

2.1 Operating Environment

The last few years have witnessed significant developments and challenges in the sphere of labour relations in Canada and thus for the CIRB. Heightened competition, resulting from the globalization of markets, technological change, the volatility of national and international economies, and corporate mergers have all had an effect on employers, employees and their mutual relationship in Canada.

This is particularly evident in the federally regulated sector where the degree and rate of change has been largely unprecedented. Many of the industries, such as telecommunications and air transport to name but two, have gone from highly regulated monopolistic or semi-monopolistic structures to a form that is more unregulated and competitive. This has resulted, for example, in an essentially regional company like BCTel to become TELUS, one of Canada's leading telecommunication companies in a relatively few short years. Also, many services that were once provided by the federal government, such as security and boarding at airports, have been commercialized and or privatized. These profound changes associated with a workforce that is largely unionized have led to a situation where the Board is being increasingly called upon to resolve high profile and complex issues between bargaining parties, with substantial economic and social implications for the broader Canadian public.

Typical issues of continuing concern to the Board include:

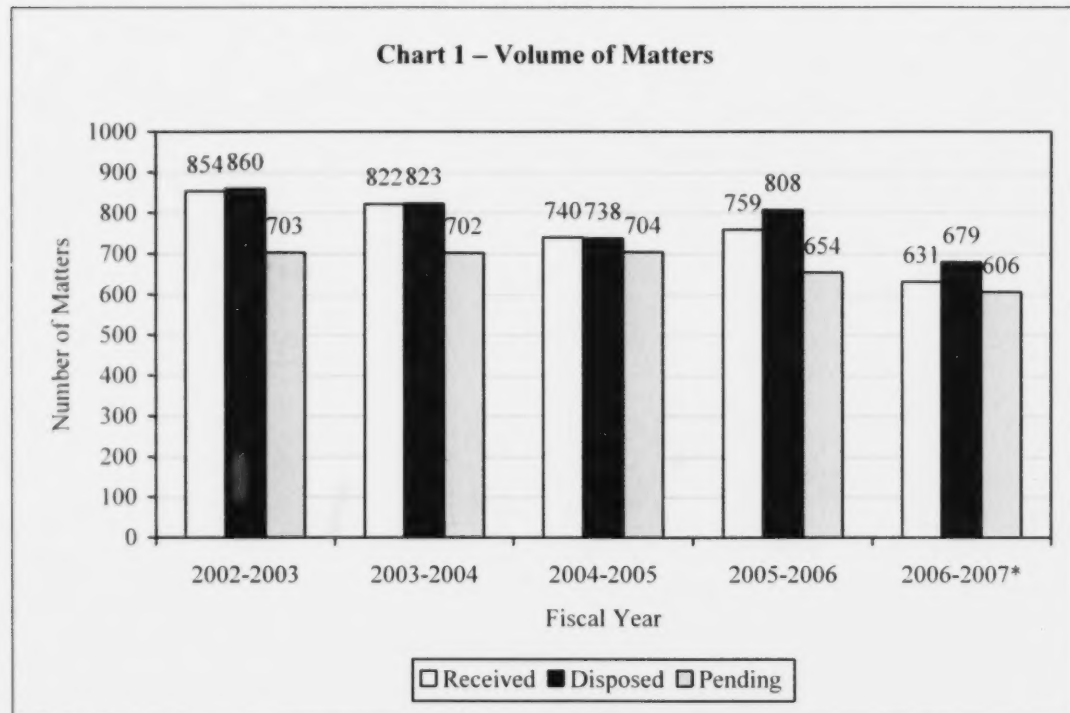
- the need for assistance to be provided to companies and unions in resolving the labour relations implications of corporate mergers and take-overs — including the determination of bargaining unit structures, representation rights and the merger of collective agreements and seniority rights — notably in the airline and telecommunications industries;
- the acquisition and exercise of free collective bargaining rights, and the promotion of sound labour-management relations in a fair and transparent manner;
- the need to assure that collective bargaining between employers and unions is conducted fairly and in good faith;
- the scope of the duty of fair representation in respect of minority groups of employees;
- the determination of the levels of services required to be maintained during a work stoppage to ensure the protection of the health and safety of the Canadian public, particularly in such enterprises as airports, atomic energy production, and the air navigation system; and
- the prompt consideration of situations in which illegal work stoppages or lockouts are alleged.

The complexity and implication of the issues facing federally regulated employers and unions require the Board to apply a wide range of knowledge and skills judiciously in industrial relations and administrative law in diverse contexts. The demand for adjudicative services has

thus been historically high, although declining to a more sustainable level over the last two years. Furthermore, the commitment of the Board to promote, wherever possible, the joint resolution of issues by the parties — along with clients' demands for the Board's assistance in mediating unresolved issues as an alternative to litigation — entails increasing demands on the Board's resources. Accordingly, the Board continues to place considerable emphasis in augmenting both its skill and resource levels to meet the needs of its clients.

2.1.1 Volume of Matters

In the four years following the 1999 amendments to the *Code*, which widened the scope of matters the CIRB could hear, the number of applications/complaints received by the Board rose considerably, ranging from a low of 822 to a high of 1,154. In the five years preceding the *Code* amendments, the number of incoming matters averaged less than 740 per fiscal year. Over the last three fiscal years however, the number of applications/complaints has dropped significantly. This is particularly evident in 2006-07, as the number of incoming matters is expected to fall to its lowest level since the early 1990s at 631 (see Chart 1).



* Projection based on the first nine months (April to December 2006)

The reasons for this decline are numerous, and would certainly include the sound jurisprudence that the Board has established since its inception. The Board has always maintained that the larger number of applications/complaints received by the CIRB in the years following the 1999 amendments to the *Code* were in part due to the lack of jurisprudence on the new *Code* provisions, since parties were more likely to litigate given the uncertain interpretation of the new *Code* provisions. However, the most important factors in the decline of incoming matters are the state of the economy and the relative stability of the industrial relations environment. The

Canadian economy has been doing quite well in recent years. The rate of growth has been relatively robust and the level of unemployment dropped to a thirty-year low of 6.1% in December 2006. Generally, when the economy is doing well, there is less friction in industrial relations e.g. a lower incidence of strikes and lockouts, collective agreements with longer terms, and fewer applications/complaints to the Board.

This is borne out by the CIRB's statistics. Unfair labour practice (ULP) complaints, which usually represent 40% or more of incoming matters in any given year, and are an indicator of the labour relations climate, are down by 21% in 2006-07. Excluding duty of fair representation complaints, which are complaints by union members against their union, and which are less sensitive to the state of the economy, the decline in ULP complaints would be much more pronounced in 2006-07 at 35%. There were also significantly fewer applications for review in 2006-07 (-29%), particularly applications for reconsideration (-49%), and for certification (-31%), although the decline in certification applications represents a return to more usual levels after having received an above average number of applications in the previous fiscal year.

With respect to the disposition of matters, the Board has generally augmented its rate of matter disposition in recent years. It disposed of 855 matters per year on average over the five fiscal-year period of 2001-02 to 2005-06, compared to only 756 matters in the previous five fiscal years. This rate, however, is expected to decline to 679 in 2006-07 (see Chart 1), the lowest level since 1998-99. The decline in the Board's rate of matter disposition is the result of a diminished adjudicative capacity in 2006-07, a situation that also affected the Board in 2004-05. Delays encountered in the appointment or reappointment of Board Members made it difficult to assemble panel to hear cases in many circumstances, and put the onus for decision-making squarely on single member panels. With the term of one Vice-Chair ending on December 31, 2006, the Board is operating with four full-time Vice-Chairs instead of five. Moreover, new cases are not assigned to members whose term is ending, so that they can close the files they have before leaving. The result is that the Board has effectively been operating with four Vice-Chairs for most of 2006-07. This situation is likely to get much worse in 2007-08, as the term of three of the four remaining full-time Vice-Chairs, as well as the term of the Chairperson, will be ending on or before December 2007.

Another reason for the lower adjudicative output in 2006-07 is that the Board invested in the long term by undertaking a policy review of the handling of cases that deal with certification applications, duty of fair representation complaints and, more recently, applications for reconsideration. The goal of these policy reviews is to reduce the effort and/or time required to process these types of cases. Each of these three reviews is presided by a Vice-Chair, which required considerable time and planning and reduced the amount of time available to them to adjudicate cases. Nevertheless, given the decline in incoming matters, the Board felt that this would be an appropriate time to undertake these reviews, which would reap future efficiencies.

Notwithstanding the lower level of matter disposition, the number of pending matters is projected to fall to 606 by the end of 2006-07 (see Chart 1), the lowest level since 1997-98.

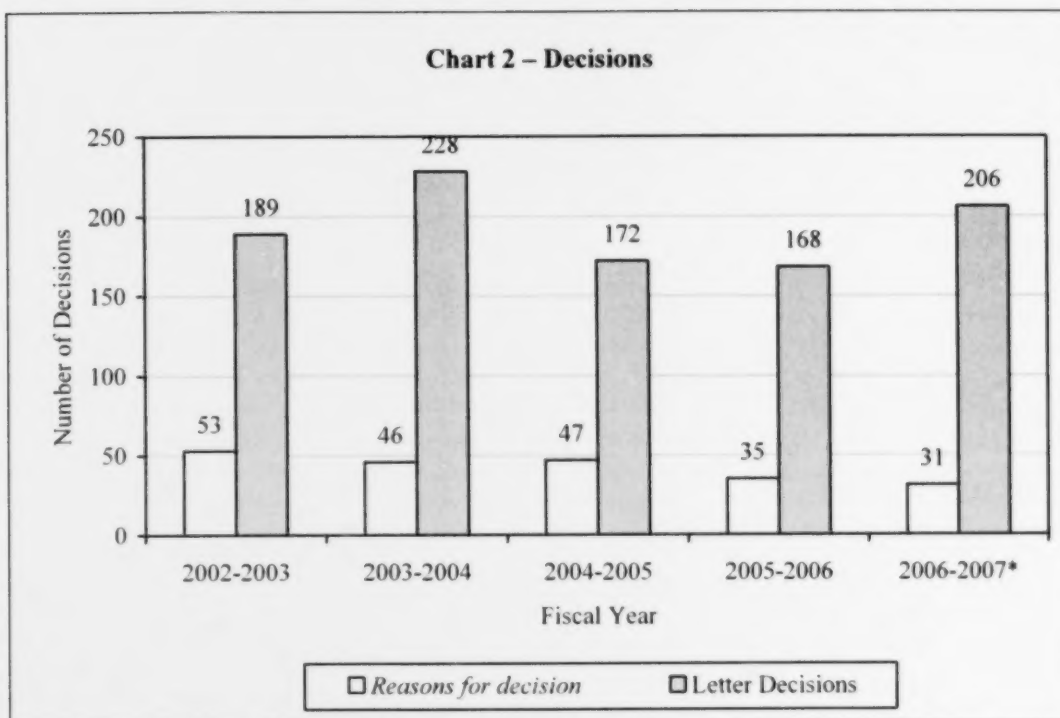
2.1.2 Written Decisions

Another factor affecting the CIRB's adjudicative output has been the increased need for more detailed written decisions, which require more time and effort to produce. The disposition of more complex cases requires more detailed decisions given their nature¹, and although the absolute number of complex matters disposed by the Board in 2006-07 was lower than in previous years, they involved cases of significant importance, which demanded far more effort to adjudicate than is usual for complex matters. These cases include such notable matters as the Cairns, TELUS, NAV CANADA and Aliant Telecom cases. Also, uncertainties resulting from the new legislative provisions introduced in 1999, and the lack of jurisprudence in applying them have resulted in a situation where parties have been more prone to litigate many contentious matters requiring written decisions.

Together, these two factors have led to an increase in the need for the Board to interpret and apply the *Code* in matters involving provisions that were revised and/or added, which, in turn, is reflected in a significant increase in the Board's body of jurisprudence. These decisions serve both to resolve the issues relevant to complex circumstances and to clarify the way the *Code*, including the new *Code* provisions, will apply in evolving circumstances. In this respect, the Board strives to provide timely, good and legally sound decisions that are also consistent across similar matters in order to establish strong and clear jurisprudence, which in turn should reduce the likelihood of a demand for reconsideration, as well as reducing the likelihood of applications to the Federal Court of Appeal for a judicial review.

The Board's experience of issuing *Reasons for decision* and letter decisions in the last five fiscal years is reflected in Chart 2. On average, the CIRB has issued more than 40 of the more detailed *Reasons for decision* each year over the last five years, and close to 195 letter decisions, for a total of 235 written decisions on average. In 2006-07 the Board expects to produce 206 letter decisions and 31 *Reasons for decision*. The balance of matters were either withdrawn or disposed of by orders. In the five fiscal years prior to the *Code* amendments, the Board issued an average of 37 *Reasons for decision* per year and 128 letter decisions.

¹ The Board issues detailed *Reasons for decision* in matters of broader national significance and/or significant precedential importance. In other matters, more concise letter decisions help expedite the decision-making process, therein providing more timely industrial relations outcomes for parties.



* Projection based on the first nine months (April to December 2006)

2.1.3 General Government Environment

Other than the business operational pressures described above, the Government of Canada has adopted a number of resource management initiatives and reviews that require serious attention from all departments and agencies. Initiatives such as the Public Service Renewal, Management Accountability Framework, Modern Comptrollership and improved internal audit and evaluation functions require an increasing amount of both human and financial resources to implement and complete.

Unlike larger departments, small agencies like the CIRB have negligible non-discretionary financial resources that can be reallocated to the additional activities, and often do not have sufficient in-house expertise to conduct and implement initiatives. Consequently, resources that are directed towards these initiatives are usually taken from existing operational budgets, thereby adding to the service delivery pressures.

2.2 Plans and Priorities

2.2.1 Summary

The sole strategic outcome of the Board, as stated in section 1.3, is to contribute to and promote a harmonious industrial relations climate in the federally regulated sector through the impartial, effective and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities. In achieving this strategic outcome, the CIRB provides effective industrial relations solutions for the Canadian labour relations community in a fair and timely manner.

Public transparency of and accountability for decision-making has always been a priority of the Board in attaining its goal, and will remain so. However, the foremost priority for the Board in the upcoming years will be to improve upon the timeliness of its decisions, and in particular, to significantly reduce the number of backlog cases that has persisted over the last few years.

To deliver on this priority, the Board will continue to focus its efforts on reviewing the broad issues of current organizational effectiveness, and in particular, its operational processes, in delivering its services. The aim of these reviews is to simplify and/or shorten case processing measures in order to increase the number of matters that can be disposed of with a given adjudicative capacity.

The activities that the CIRB will undertake in the next few years in support of its strategic outcome and to meet its priority are varied.

2.2.2 Program Priorities

A number of process review activities have been undertaken to assess whether the CIRB's internal case management procedures are as efficient as they can be, and to uncover any improvements that can be adopted with the goal of reducing the total processing time of cases. Processing time is essentially composed of two parts: the time it takes the Board's staff to open, investigate, mediate and prepare a file to be given to a Vice-Chairperson or panel for decision; and the time it takes the Vice-Chairperson or panel to render a decision.

The Board has completed the restructuring of the Case Management Secretariat that began in the previous year, which has provided improvements in operational efficiencies, but which will require further monitoring and adjustments. More importantly, the Board will concentrate its efforts on improving the processing of three types of cases: duty of fair representation complaints, applications for reconsideration and applications for certification. The reason these particular types of cases were selected for review is that they represent a large portion of the CIRB's incoming workload — more than 40% on average in the last five years.

Duty of Fair Representation Complaints

Duty of fair representation (DFR) complaints — complaints by union members against their union, or its representatives, for neglecting to properly represent them with respect to their rights under the collective agreement — continue to comprise a significant percentage of the CIRB's caseload. More than one quarter of the applications/complaints received by the Board in 2006-07 were related to this type of case, a proportion that is slightly higher than the average of the previous five fiscal years.

In addition to comprising a significant percentage of the CIRB's workload, DFR complaints are also among the lengthiest to process. Not because they take so much time to process per se, but because they are usually deferred in favour of more urgent matters, unless they involve serious disciplinary measures against the complainant. Any measure that would reduce the effort and processing time to treat these matters would not only be welcomed by the client, but would also have a significant impact on the CIRB's overall performance. Furthermore, since DFR complaints are more likely to be deferred than other types of matters, they represent an ever-increasing percentage of backlog cases — from 18.7% in 2000-01 to 42.1% in 2006-07.

As a result, the CIRB created a DFR Process Review Committee in 2005-06, which looked at various best practices used by provincial labour tribunals as well as other measures that could simplify and reduce the paper burden associated with these complaints, which in turn should shorten the length of their disposition. Recommendations and new processing procedures were discussed with the Client Consultation Committee. The new measures were put into place in January 2006, but the CIRB needs to closely monitor the progress and the effectiveness of the new measures and to make adjustments where warranted.

Reconsiderations

While the *Code* provides that all orders or decisions of the Board are final, it also gives the Board jurisdiction to review its decisions. Applications for reconsideration of Board decisions represent another significant portion of the CIRB's workload. More than 6% of its average caseload over the last five fiscal years involves this type of application, and regrettably, the Board is even receiving an increasing number of applications for the reconsideration of matters that have already been reconsidered. Although, the *Canada Industrial Relations Board Regulations, 2001* (the *Regulations*) clearly specify the factors upon which the Board will review a decision, many of the applications simply seek to appeal a decision, without providing any new facts or different grounds to support a review (average number of reconsideration applications granted 15%). In addition to adding to the Board's case load, it can create delays in the implementation of the Board's original decisions. The CIRB needs to find ways to quickly dismiss applications that do not meet some minimum conditions, or that are clearly without merit. Towards this end, the Board initiated a review process of reconsideration applications and their disposition in mid-2006. Recommendations on possible improvements will be provided to, and reviewed by, CIRB management in 2006-07, and implementation will follow in late 2006-07 or early 2007-08.

Applications for Certification

Following consultations with major client groups and stakeholders, the CIRB established a committee in 2004-05 to review its case processing practices with respect to certification applications and to recommend ways in which the Board could expedite the disposition of these matters. New procedures were developed and tested as a pilot project in late 2004-05, and the new procedures were refined and adopted in early 2005-06. The main objective of the new procedures is to process and dispose standard certification applications (those that do not include abnormal situations involving complex issues of law or jurisdiction, and/or that do not require a vote) in 50 days. By comparison, the processing time for certification applications received for the five fiscal years preceding the new procedures averaged 179 days.

The CIRB is continuing to monitoring the effectiveness of the new measures and looking at making any final adjustments where required in order to meet the objective and/or to improve on the results obtained so far. To date, the results are encouraging, as the processing time of applications (including non-standard applications) received and disposed since the new measures have been adopted has dropped by 106 days to 73 days on average.

Client Consultations

Formal and informal consultations with clients continue to be important for the CIRB. A client consultation workgroup, which was formed in 2004-05 to develop a more structured, regular and broader approach to consulting with our client base, has been particularly useful in recent years. In particular, these client consultations have contributed to the determination of specific case

management process reviews previously mentioned (reconsiderations, duty of fair representation complaints and certification applications) and led to the production of a set of recommendations on Board Member appointment procedures. The Client Consultation Committee will continue to look at other possibilities to meet the Board's priority of reducing the number of backlog cases and will provide options in the new fiscal year.

2.2.3 Other Supporting Activities

In addition to the main activities highlighted above, the CIRB is, or will be, involved in a number of other activities in support of its mandate.

Office Relocation

The Board has been planning and negotiating the move of its Vancouver office to a new local. Some details still need to be worked out but, barring extraneous circumstances, the move will take place in 2007-08. The preparation for a move is extremely time consuming and requires that many details be worked out, and endless negotiations between the Board, the Department of Public Works (Public Works) and the owners of the sought after space. One move is sufficiently demanding, but to make matters worse, Public Works has advised the Board that leases for its Headquarters office as well as its Montréal office will not be renewed. As a result, the Board will need to plan for the relocation of both these offices for a move sometime in 2008.

Information Technology

Our plans and efforts to improve overall effectiveness and to meet the goals of the Government On-Line initiative include improvements to the Board's information technology apparatus. In this respect, the Board continues with its internal initiative to improve the way we manage and share information, and to communicate more effectively in order to better serve our clients.

The main elements of this initiative are:

- The completion of the Case Management System, the Board's core business system, particularly with respect to reporting;
- The implementation of secure remote access to Board systems and databases, thereby allowing Board Members to continue working during extensive periods of travel;
- The continued development of the Board's Internet site, in order to provide clients with an increasing range of pertinent information and online services.

Information Circulars/Practice Notes

One of the major outcomes of previous discussions with major client groups was a broad agreement on the development of information circulars or practice notes. The purpose of practice notes and information circulars is to help communicate to its clients and to the public the Board's procedures and practices in relation to the *Code* and the *Regulations* adopted by the Board in December of 2001. In essence, practice notes or information circulars are meant to increase the accessibility and transparency of Board processes by providing common language instructions respecting the interpretation and application of the *Code* and *Regulations*. It is expected that these will make the Board's processes easier for clients to understand and manage, and ensure that the substance of matters can be more easily and quickly addressed. They are also expected to allow pre-hearing procedures to continue to reduce the actual time required in the hearing process by ensuring that pre-hearing information discovery processes are as effective as possible

and that preparation for all matters scheduled for hearing is as complete as possible. The development of information circulars or practice notes will be an ongoing process.

Videoconferencing

The Board installed videoconferencing facilities in all of its offices across Canada in late 2002-03, and continues to look at ways to expand its use with regard to external proceedings, thereby making the Board more accessible to its clients while at the same time expediting Board processes, reducing time lost in travel and its associated costs, and allowing time-sensitive matters to be more rapidly scheduled and heard. More recently, the CIRB has even extended the use of its videoconferencing facilities to the Public Service Labour Relations Board (PSLRB) for their use in external proceedings.

2.2.4 Management Priorities

Modern Management Agenda

The Board has actively embarked on a number of modern management initiatives, sponsored by the Treasury Board, in order to ensure that it applies the best possible management practices and governance to its operations. Assessment activities have been conducted in recent years under the auspices of the Modern Comptrollership, Internal Audit and Management Accountability Framework initiatives. Resulting action plans have been developed, and all of the planned activities noted above fit within, and are an integral part of, the Board's Management Accountability Framework strategy.

Another modern management activity that the Board will undertake in the upcoming fiscal year is to finalize the implementation of a revamped business and operational planning cycle. The Board has reviewed its strategic plan, and will tightly knit operational plans to the goals of the strategic plan. This should foster an improved mutual understanding of the CIRB's direction between its staff, management and Board Members.

Also, as a result of Treasury Board's Management, Resources and Results Structure Policy (MRRS), the Board will be reviewing its program architecture and associated performance measures.

Human Resources

The CIRB has a number of strategic priorities with regard to human resources. These are to develop and implement a human resources planning strategy which will integrate with business planning as well as a Classification Monitoring System in order to meet the requirements of the Management Accountability Framework, and to complete its policy in response to the new Learning Policy produced by the Treasury Board Secretariat that came into effect on January 1, 2006.

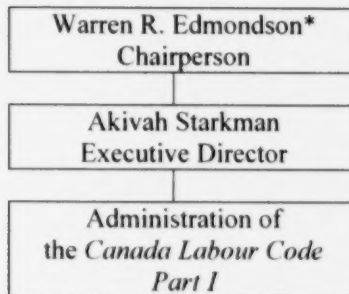
The Board is also in the process of completing its action plan following the results of the 2005 Public Service Employee Survey, which were released in the latter half of 2006. Overall, the survey results indicate that the Board generally fares favourably compared to the overall public service, and to a lesser extent, to other small organizations. While the action plan will only be finalized in late 2006-07 or early 2007-08, we know that succession planning will be a priority, as more than 40% of CIRB employees have indicated that they would be leaving the public

service in the next five years, most due to retirement. This is significantly higher than the 30% response for the public service in general.

SECTION III – SUPPLEMENTARY INFORMATION

3.1 Organizational Information

Accountability



*The Canada Industrial Relations Board is an agency operating under the Minister of Labour's portfolio.

3.1.1 Mandate, Role and Responsibilities

The *Constitution Act, 1867*, provides that provincial jurisdiction extends over "Property and Civil Rights," meaning that the negotiation of collective agreements containing terms and conditions of employment for employees is regulated by the provinces. The Constitution, however, assigns exclusive jurisdiction to Parliament over specific sectors of the economy, and as such, it has seen fit to enact laws regulating employment matters within those sectors that have constitutionally been reserved to it. Laws governing the federal jurisdiction are contained in the *Code*, which is divided into three parts:

- Part I – Industrial Relations
- Part II – Occupational Health and Safety
- Part III – Labour Standards

Part I of the *Code* sets out the terms under which trade unions may acquire the legal right to represent employees in the negotiation of collective agreements with their employer. It also delineates the process under which collective bargaining takes place and provides remedies to counter infractions committed by any party subject to the *Code's* provisions.

Part I of the *Code* had remained virtually unchanged since 1972. However, with the coming into force on January 1, 1999 of Bill C-19, an *Act to amend the Canada Labour Code (Part I)*, R.S. 1998, c. 26, significant changes were made to the *Code* in an effort to modernize it and improve the collective bargaining process for federally regulated industries. The *Act* replaced the Canada Labour Relations Board with the Canada Industrial Relations Board as an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of Part I, Industrial Relations, and certain provisions of Part II, Occupational Health and Safety, of the *Code*.

*The Canada Industrial Relations Board's **mandate** is to contribute to and to promote effective industrial relations in any work, undertaking or business that falls within the authority of the Parliament of Canada.*

In support of its mandate, the Board established the following vision and values:

- decisions on applications and complaints provided in a fair, expeditious and economical manner;
- successful resolution of cases through appropriate dispute resolution mechanisms;
- an involved and well-informed labour relations community;
- effective *Regulations* and practices developed through consultation with clients.

In the discharge of its mandate and the exercise of its powers, the Board aims to be progressive and innovative, efficient and effective, open and accountable. The working environment at the Board promotes learning and development, harmony, teamwork and respect.

The Board's **role** is to exercise its powers in accordance with the Preamble and provisions of the *Code*, which state that Parliament considers "the development of good industrial relations to be in the best interests of Canada in ensuring a just share of the fruits of progress to all." To that end, the Board aims to be responsive to the needs of the industrial relations community across Canada.

3.1.2 Departmental Organization

The Board, as provided for in the *Code*, is comprised of the Chairperson, two or more full-time Vice-Chairpersons, not more than six full-time Members (of which not more than three represent employers and not more than three represent employees) and any other part-time Members (representing, in equal numbers, employees and employers) necessary to discharge the responsibilities of the Board. All are appointed by the GIC: the Chairperson and the Vice-Chairpersons for terms not to exceed five years, the Members for terms not to exceed three years. (Information on Board Members can be found at http://www.cirb-ccri.gc.ca/about/members/index_e.asp).

The Chairperson is the chief executive officer of the Board. The provisions of the *Code* assign to the Chairperson supervision over, and direction of, the work of the Board, including:

- the assignment and reassignment to panels of matters that the Board is seized of;
- the composition of panels and the assignment of Vice-Chairpersons to preside over panels;
- the determination of the date, time and place of hearing;
- the conduct of the Board's work;
- the management of the Board's internal affairs;
- the duties of the staff of the Board.

The Board's headquarters are located in the National Capital Region. Support to the Board is provided by the Executive Director, reporting directly to the Chairperson. The Executive

Director is responsible for regional operations, case management, client and corporate services, financial services and human resources. The Legal Services Branch provides legal assistance as required by the Board and its units and the General Counsel also reports directly to the Chairperson of the Board.

The Board also has five regional offices in Dartmouth, Montréal, Ottawa, Toronto and Vancouver, with a satellite office in Winnipeg. These offices are staffed by labour relations professionals and case management teams. Each regional office is headed by a regional director, who reports to the Executive Director in Ottawa.

3.1.3 Agency Link to Government of Canada Outcomes

Canada Industrial Relations Board's links to the Government of Canada outcomes areas

| 2007-2008 | | | |
|--|---------------|-------------------------|---------------------------|
| (\$ thousands) | Budgetary | Total Main Estimates | Total Planned Spending |
| | Operating | | |
| Strategic Outcome | | | |
| Administration and interpretation of Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the <i>Canada Labour Code</i> | 12,437 | 12,437 | 12,437 |
| Total | 12,437 | 12,437 | 12,437 |

The administration and interpretation of Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the *Code* contributes to the achievement of the Government of Canada's "income security and employment for Canadians" outcome area.

3.1.4 To Contact the Board

Toll-free: 1-800-575-9696

People who use TTY should place calls with the assistance of a Bell Relay Service operator at:
1-800-267-6511

Email: info@cirb-ccri.gc.ca

Web Site: <http://www.cirb-ccri.gc.ca>

Further information on how to contact the regional offices can be found at:
http://www.cirb-ccri.gc.ca/contact/index_e.asp

3.2 Financial Performance Summary and Summary Tables

Table 1: Departmental Planned Spending and Full-Time Equivalents (FTE)

| (\$ thousands) | Forecast Spending 2006-2007 | Planned Spending 2007-2008 | Planned Spending 2008-2009 | Planned Spending 2009-2010 |
|--|-----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Administration and interpretation of Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the <i>Canada Labour Code</i> | 12,396 | 12,437 | 12,437 | 12,437 |
| Total Main Estimates* | 12,396 | 12,437 | 12,437 | 12,437 |
| <i>Adjustments:</i> | | | | |
| Procurement Savings | | | | |
| Administration and interpretation of Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the <i>Canada Labour Code</i> | -30 | | | |
| Supplementary Estimates | | | | |
| Operating budget carry forward | 510 | | | |
| Other | | | | |
| Treasury Board Vote 15 | 95 | | | |
| Employee Benefit Plan (EBP) | -24 | | | |
| Public Accounts Operating budget lapse | -600 | | | |
| <i>Total Adjustments</i> | -49 | 0 | 0 | 0 |
| Total Planned Spending | 12,347 | 12,437 | 12,437 | 12,437 |
| Total Planned Spending | 12,347 | 12,437 | 12,437 | 12,437 |
| Plus: Cost of services received without charge | 2,793 | 3,010 | 3,108 | 3,135 |
| Total Departmental Spending | 15,140 | 15,447 | 15,545 | 15,572 |
| Full-Time Equivalents | 101 | 110 | 110 | 110 |

* The total main estimates for 2007-2008 and future years is approximately \$41,000 more than last year. These differences result from the eligible expenditure requirements of the \$95,000 increase in salaries under collective agreements with its associated employee benefit plan increase of \$18,000, an adjustment of the employee benefit plan rate from 19% to 18.5% for a \$42,000 decrease and the procurement savings for another \$30,000 decrease, which for 2006-2007 are identified under the heading "Adjustments."

Table 2: Voted and Statutory Items

| Vote or Statutory Item (\$ thousands) | | 2007-2008 Main Estimates | 2006-2007 Main Estimates |
|---|---|-------------------------------------|-----------------------------|
| 10 | Operating expenditures | 10,887 | 10,822 |
| (S) | Contributions to employee benefit plans | 1,550 | 1,574 |
| | Total Department | 12,437 | 12,396 |

Table 3: Services Received Without Charge

| (\$ thousands) | 2007-2008 |
|--|------------------|
| Accommodation provided by Public Works and Government Services Canada (PWGSC) | 2,423 |
| Contributions covering employer's share of employees' insurance premiums and expenditures paid by Treasury Board of Canada Secretariat (excluding revolving funds) | 587 |
| Salary and associated expenditures of legal services provided by the Department of Justice Canada | 0 |
| Total 2007-2008 Services received without charge | 3,010 |